

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Claims 1, 7, and 13 are currently being amended. New dependent claims 19-24 have been added to the application. After amending the claims as set forth above, claims 1-3, 6-9, 12-15, and 18-24 are now pending in this application.

The independent claims cover a comprehensive supply chain management system for dealing with periodic sales data being received from a plurality of independent point of sale outlets in a franchise context and detecting problems that may be indicated by that data. A fundamental management problem faced by an independent system being set up for supply chain management of independent franchisees with their own data and IT systems is to quickly determine from in-coming point of sale data whether there are problems, either relating to, for example, errors in sales data categories reported from the outlets that may impact forecasting used in ordering products from suppliers or distributors, or problems faced because the point of sale data indicates a major discrepancy relative to a forecasted sales amount that will typically entail immediate ordering or canceling of product orders from distributors and suppliers.

Claims 1-18 were rejected under 35 USC 103 as being obvious over the three-reference combination of the Stephanie Stahl article in Information Week and applicant's IDS filed in serial number 10/855,877 filed on December 17, 2004, in view of the "e-Commerce Solutions for Supply Chain Management: A Comparative Review." Hafner et al. '076 and Shavit et al. '156 were also listed in the written rejection, but were deleted orally from the rejection by a telephone call from Examiner Zeender. This rejection is respectfully traversed and reconsideration is requested.

With reference to the Stephanie Stahl article on early RSI operations in Information Week in 1994, the focus of the article is not on managing sales outlets, but rather on suppliers and the management of suppliers. In this regards, see the second paragraph as follows:

“The Miami restaurant chain’s purchasing agency, Restaurant Services Inc.(RSI) in Coral Gables, Fla., has launched RSI/Link to collect sales, shipment, pricing, and inventory information from Burger King’s 350 suppliers and distributors.”

See also the third paragraph as follows:

“Previously, these business partners communicated via telephone calls, fax, diskettes, and paper reports to let RSI know how much of what was being shipped to plants and distribution centers.”

See also the fourth paragraph as follows:

“Suppliers can now send information to RSI via electronic-email-enabled documents, or, for larger and more sophisticated suppliers, via electronic data interchange (EDI).”

See also the fifth paragraph as follows:

“RSI, like other companies that manage large inventories, is encouraging suppliers to jump on board.”

There is no disclosure of a comprehensive supply chain management system for managing point of sale outlets, much less dealing with periodic in-coming sales data being received from a plurality of independent point of sale outlets in an independent franchise context and detecting and responding to the problems that may be indicated by that data.

With reference to the Information Disclosure filed on December 17, 2004 in serial number 10/855,877, this disclosure relates to manual operations with respect to supplier and distributor master contracts. Specifically, these manual operations relate to assigning entity relationships, establishing a contract price for an item and an invoice price, and using a least cost algorithm to select suppliers and routes.

The e-Commerce Solutions article is a high level review of supply chain operations that is focused on ordering goods in a supply chain. The article also includes a high level analysis of products from a number of vendors including i2 and TradeMatrix, Ariba, and CommerceOne, SAP, and BAAN (see Appendices A1 and A3). The article is focused on the downward flow of goods from suppliers. It does not relate to the upward flow of data from point of sale outlets, or analyzing that data with respect to errors, or sales as compared to forecasted sales, or taking an action based on that analysis, much less doing it in an independent sales outlet context where the IT operations of the outlets are not subject to any corporate IT rules.

There is no motivation to combine the three references cited. Moreover, applicants have not found anything in these references that meets the claim language. Specifically, there is nothing in these references that meets the claim language

- “a) at least one computer of an independent supply chain manager receiving data from a plurality of independent point of sale outlets of an independent supply chain utilizing a network, the data comprising amounts of goods sold manually at store locations by the point of sale outlets;
- b) the at least one computer of an independent supply chain manager checking the data for errors made by the independent point of sale outlets;
- c) the at least one computer of an independent supply chain manager identifying the errors made by at least one of the independent point of sale outlets including at least one of point of sale set-up error, point of sale entry error, back office error, polling error, and datum item mapping error and logging the errors in a log;
- d) correcting the data using the identification;
- e) the at least one computer of an independent supply chain manager transmitting the log to at least one of the independent point of sale outlets utilizing the network.”

The references disclose nothing with respect to the claimed “errors made by at least one of the independent point of sale outlets,” including at least one of “point of sale set-up error, point of sale entry error, back office error, polling error, and datum item mapping error and logging the errors.” Likewise, there is no “logging the errors in a log,” or the claimed

“transmitting the log to at least one of the independent point of sale outlets utilizing the network.”

Likewise, the references do not recognize the problem faced when point of sale data indicates a major discrepancy relative to a forecasted sales amount that may entail immediate canceling of product orders from distributors and suppliers, or attempt to detect such a discrepancy. The claim language on this point is as follows:

h) tracking the data relating to the sale of goods against forecasted sales on a periodic basis; and

i) the at least one computer of an independent supply chain manager generating an alert if a deviation between the data and the forecasted sales exceeds a threshold.

Specifically, the references do not take that current POS data and look back at the forecast for the time frame in which the manual sales reflected by the POS data were made and make a comparison and generate an alert. Thus, the references do not disclose or suggest the “tracking” and “generating an alert” steps.

Additionally, applicants wish to point out that the claimed system deals with “independent point of sale outlets of a supply chain” and provides a comprehensive solution to the problem of managing point of sale data coming in from diverse independent entities that are not subject to IT rules. This is not disclosed in the references.

The claim limitation directed to detecting problems relating to the outlets not following franchise requirements for goods that may impact the actual cost of the goods being sold by the outlet (for example, in a restaurant point of sale context, the outlet not properly following a recipe for a hamburger and assembling it with three pickles instead of the two pickles called for by the franchise recipe thereby increasing the actual cost of the good sold, as well as the projected rate of ingredient usage), has been removed from the independent claims and now appear as dependent claims 19-21.

The references do not recognize the problems relating to failure to follow recipes and other discrepancies, much less attempt to detect these discrepancies by allowing a comparison

between the actual cost of goods sold by the point of sale outlet and an ideal cost of goods that should be realized by following production rules, such as following a particular recipe on the number of pickles to use in the assembly of a hamburger. The claim language covering this more comprehensive aspect is “the at least one computer of an independent supply chain manager receiving data on amounts of products distributed to the respective independent point of sale outlets; “g) calculating in the at least one computer of an independent supply chain manager an actual good cost per point of sale outlet and an ideal good cost and making electronically accessible to the respective independent point of sale outlets.”

Accordingly, dependent claims 19-21 are additionally allowable for this reason. The dependent claims 22-24 depend from claims 19-21 respectively and specify actual component quantity, for example from a recipe, to determine the ideal cost.

Applicant believes that the present application is now in condition for allowance. The references, whether alone or combined, are deficient in that they do not disclose individually or collectively the diverse elements of the comprehensive supply chain system claimed herein for managing POS data not generated by or on the supply chain network. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

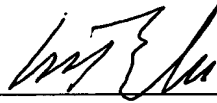
The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of

papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R.
§1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By



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